

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DUSTIN HYRUM LANE,)	
)	
Plaintiff,)	Civil No. 24-870
)	Judge Marilyn J. Horan/
v.)	Magistrate Judge Patricia L. Dodge
)	
BETH BOOKER, ABIGAIL CONKLIN)	
JOYCE A. HATFIELD-WISE, ESQ., and)	
KEVIN ROWAN,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges. On March 14, 2025, the Magistrate Judge issued a Report and Recommendation, ECF No. 45, recommending that the Motion to Dismiss filed by Defendants Booker, Conklin, and Hatfield-Wise, ECF No. 21, be granted; and that the Complaint be dismissed against Defendant Rowan; and that leave to amend the Complaint be denied. On March 25, 2025, Plaintiff filed a “Motion to Appeal,” ECF No. 45, which the Court construes as Plaintiff’s Objections to the Report and Recommendations.

The filing of timely objections requires the district judge to “make a de novo determination of those portions of the report . . . to which objection is made.” 28 U.S.C. § 636(b)(1); *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); Fed. R. Civ. P. 72(b)(3). Following a de novo review of the relevant pleadings and documents in this case, together with the Report and Recommendation, and Objections thereto, the Court finds that Plaintiff’s Objections do not undermine the recommendation of the Magistrate Judge.

Mr. Lane's Objections do not challenge the Magistrate Judge's analysis as it relates to her recommendation that all Defendants be dismissed for failure to state a claim. The majority of the Objections recount Mr. Lane's factual allegations, but in no case does Mr. Lane's Objections undermine the recommendations of the Magistrate Judge. Plaintiff's Objections are overruled, and the Report and Recommendation will be adopted as the Opinion of the Court.

Accordingly, the following order is entered:

AND NOW, this 12th day of May 2025, it is hereby ORDERED as follows:

The Magistrate Judge's Report and Recommendation, ECF No. 45, dated March 14, 2025, is adopted as the Opinion of the Court. The Motion to Dismiss filed by Defendants' Booker, Conklin, and Hatfield-Wise, ECF No. 21, is GRANTED. All section 1983 claims, and all other federal claims, asserted against said Defendants are DISMISSED, with prejudice. All state claims asserted against said Defendants are dismissed, without prejudice. Defendants Booker, Conklin, and Hatfield-Wise are hereby dismissed from this action.

IT IS FURTHER ORDERED that, pursuant to the screening provisions of 28 U.S.C. § 1915(e), all section 1983 claims, and all other federal claims, asserted against Defendant Rowan are DISMISSED, with prejudice. All state claims asserted against Defendant Rowan are dismissed, without prejudice. Defendant Rowan is hereby dismissed from this action.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over Mr. Lane's state claims. All state claims asserted in the Complaint are hereby dismissed, without prejudice to Mr. Lane's ability to raise said claims in state court.

As to whether to grant leave to amend, the Court agrees with the Magistrate Judge's recommendation to deny such leave, as any amendment would be futile for the reasons stated in the Report and Recommendation.

Accordingly, all claims asserted by Mr. Lane are dismissed, and the Complaint is dismissed with prejudice.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge

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